

Magistrate Judge Mary Alice Theiler

7 UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12
13 v.

14 DANIEL TORIBIO-TELLEZ

15 Defendant.
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NO. **MJ17-097**

COMPLAINT for VIOLATION
U.S.C. Title 8 Section 1326(a)
(Illegal Reentry After Deportation)

(Felony)

17 BEFORE Mary Alice Theiler, United States Magistrate Judge,
18 United States Courthouse, 700 Stewart Street, Seattle, Washington.

19 COUNT I

20 On or about February 17, 2017, at Bellingham, within the Western District of
21 Washington, DANIEL TORIBIO-TELLEZ, an alien, a native and citizen of Mexico, who
22 was previously arrested and deported from the United States on July 2, 2015, at El Paso,
23 Texas, was found after knowingly and voluntarily reentering the United States without
24 the express consent of the Secretary of the Department of Homeland Security.

25 All in violation of Title 8, United States Code, Section 1326(a).

26 The undersigned complainant being duly sworn states:
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1 1. I, Carina G. Benito, am a Deportation Officer in the United States
2 Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE),
3 assigned to the Office of Enforcement and Removal Operations (ERO) for the Seattle
4 District Field Office in Tukwila, Washington. I am a Deportation Officer of ICE, and its
5 predecessor, the Immigration and Naturalization Service (INS). Part of my duties entail
6 the location and apprehension of foreign nationals in the United States who are or have
7 been engaged in criminal activity.

8 The following information is based on my investigation, the investigation of other
9 officers and agents of ICE, official records of the United States Citizenship and
10 Immigration Services (hereinafter "CIS"), the United States District Court for the District
11 of Arizona, and the California Superior Court for the County of Santa Barbara (Santa
12 Maria).

13 2. My investigation has revealed that CIS maintains an alien registration
14 administrative file, commonly referred to as an A-file, 095 671 840, on DANIEL
15 TORIBIO-TELLEZ. A-file 095 671 840 is the official Immigration file maintained by
16 CIS, and is a consolidated repository of known Immigration contacts with DANIEL
17 TORIBIO-TELLEZ, hereinafter "defendant." Documents in the A-file show the
18 defendant is a native and citizen of Mexico.

19 3. The A-file of the defendant contains certified conviction documents from
20 the records of the United States District Court for District of Arizona. The immigration
21 file of the defendant does not contain the conviction document noted at subparagraph (c)
22 but is noted in a national criminal data base. These records indicate the defendant was
23 convicted of the following offenses:

24 a. United States District Court for the District of Arizona, cause
25 number 11-35651M, for the offense of Unlawful Entry, in violation of 8 U.S.C.
26 § 1325(a)(1), sentenced to 75 days on December 27, 2011.
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1 b. United States District Court for the District of Arizona, cause
2 number 15-20205M, for the offense of Unlawful Entry, in violation of 8 U.S.C.
3 § 1325(a)(1), sentenced to 150 days on January 7, 2015.

4 c. California Superior Court for the County of Santa Barbara (Santa
5 Maria), cause number 1353282, for the offense of Driving Under the Influence of
6 Alcohol, in violation of California State Code 42088; Driving While License
7 Suspended, in violation of California State Code 54108; False Identification to
8 Specific Peace Officer, in violation of California State Code 48077, sentenced to
9 150 days/150 days suspended with three years' probation on April 25, 2011.

10 4. Within the A-file of the defendant, there are five executed I-205, Warrant
11 of Removal/Deportations and one I-296, Notice to Alien Ordered Removed/Departure
12 Verification. These documents reflect that the defendant was deported on the following
13 dates and at the following locations:

- 14 a. July 2, 2015, at Paseo del Norte, Texas,
15 b. December 9, 2014, at El Paso, Texas,
16 c. March 29, 2012, at Brownsville, Texas,
17 d. December 17, 2012, at San Ysidro, California,
18 e. June 24, 2011, at San Ysidro, California, and
19 f. April 11, 2010, at San Luis, Arizona.

20 The Forms I-205 and I-296 bear the fingerprints and photographs of the
21 defendant as physical proof of his deportations from the United States to Mexico.

22 5. On April 10, 2010, the defendant was served with a Notice and Order of
23 Expedited Removal by Border Patrol at Wellton, Arizona. The defendant was deported
24 to Mexico on April 10, 2010. However, he later returned to the United States.

25 6. On February 17, 2017, the defendant was located by Deportation Officer
26 (DO) David Kasko at the Whatcom County Jail. The defendant had been booked into
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1 Whatcom County Jail for Driving Under the Influence. DO Kasko initiated record
2 checks through the Central Index System (CIS) which confirmed the defendant has an
3 A-file with multiple deportations and removals to Mexico. Officer Kasko notified DO
4 Justin Berg of the defendant's pending release from Whatcom County Jail. On the
5 afternoon of February 17, 2017, the defendant was released from the Whatcom County
6 Jail and taken into administrative custody by DO J. Berg.

7 7. On February 17, 2017, the defendant was transported to the Bellingham
8 Border Patrol Station at Ferndale, Washington for processing. DOs Kasko and Berg
9 advised the defendant of his *Miranda* rights via a standard ICE Statement of Rights
10 Form. The defendant indicated he understood his rights and would not answer questions.

11 8. On February 17, 2017, DO Kasko fingerprinted the defendant at the
12 Bellingham Border Patrol Station at Ferndale, Washington. On March 6, 2017, I
13 electronically submitted the defendant's fingerprints to the FBI via the Integrated
14 Automated Fingerprint Identification System (IAFIS) as a Search with Verification
15 Transaction, which is a request to an FBI fingerprint examiner to confirm a potential
16 match between the defendant and other IAFIS candidates as maintained by the FBI's
17 Criminal Master File. On March 6, 2017, I received confirmation from the FBI the
18 fingerprints I submitted of the defendant were a match with FBI number 513258PB7.
19 This is the same FBI number associated with the defendant's A-file, 095 671 840 and the
20 criminal convictions noted in paragraph three above.


21 9. I have conducted a complete and thorough review of the defendant's
22 Immigration A-file 095 671 840, which contains no evidence he has ever applied for or
23 received permission to enter the United States.

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1 10. Based on the foregoing, I have probable cause to believe DANIEL
2 TORIBIO-TELLEZ has reentered the United States knowingly and voluntarily without
3 the express consent of the Secretary of the Department of Homeland Security, in
4 violation of Title 8, United States Code, Section 1326(a).

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7 Carina G. Benito, Complainant
8 ICE Deportation Officer

9 Reviewed by AUSA Don Reno 

10 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
11 presence this March 14, 2017, the Court hereby finds that there is probable cause to
12 believe the defendant committed the offense set forth in the Complaint.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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